



PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference LPT0803	FOR FURTHER ACTION		See Form PCT/IPEA/416
International application No. PCT/GB2005/001433	International filing date (<i>day/month/year</i>) 15.04.2005	Priority date (<i>day/month/year</i>) 15.04.2004	
International Patent Classification (IPC) or national classification and IPC INV. B60N2/50 B60N2/52 B60N2/54			
Applicant KAB SEATING LIMITED et al.			
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 7 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p style="margin-left: 20px;">a. <input checked="" type="checkbox"/> <i>sent to the applicant and to the International Bureau</i>) a total of 9 sheets, as follows:</p> <p style="margin-left: 40px;"><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p style="margin-left: 40px;"><input checked="" type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p style="margin-left: 20px;">b. <input type="checkbox"/> (<i>sent to the International Bureau only</i>) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in electronic form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>			
<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the report</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input checked="" type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input checked="" type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input checked="" type="checkbox"/> Box No. VIII Certain observations on the international application</p>			
Date of submission of the demand 14.02.2006		Date of completion of this report 29.08.2006	
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465		Authorized officer Cuny, J-M Telephone No. +49 89 2399-6557 <div style="text-align: right;">  </div>	

**INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY**

International application No.
PCT/GB2005/001433

Box No. I Basis of the report

1. With regard to the **language**, this report is based on

- ☒ the international application in the language in which it was filed
- ☐ a translation of the international application into , which is the language of a translation furnished for the purposes of:
 - ☐ international search (under Rules 12.3(a) and 23.1(b))
 - ☐ publication of the international application (under Rule 12.4(a))
 - ☐ international preliminary examination (under Rules 55.2(a) and/or 55.3(a))

2. With regard to the **elements*** of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

Description, Pages

1-8 as originally filed

Claims, Numbers

1-51 received on 20.02.2006 with letter of 14.02.2006

Drawings, Sheets

1/2, 2/2 as originally filed

- ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/figs
- ☐ the sequence listing (*specify*):
- ☐ any table(s) related to sequence listing (*specify*):

4. ☒ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages
- ☒ the claims, Nos. 1-36,49-51
- ☐ the drawings, sheets/figs
- ☐ the sequence listing (*specify*):
- ☐ any table(s) related to sequence listing (*specify*):

* If item 4 applies, some or all of these sheets may be marked "superseded."

**INTERNATIONAL PRELIMINARY REPORT
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Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

1. The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non-obvious), or to be industrially applicable have not been examined in respect of:

☐ the entire international application,

☒ claims Nos. 1-36,49-51

because:

☐ the said international application, or the said claims Nos. relate to the following subject matter which does not require an international preliminary examination (*specify*):

☒ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. 49-51 are so unclear that no meaningful opinion could be formed (*specify*):

see separate sheet

☒ the claims, or said claims Nos. 1-36 are so inadequately supported by the description that no meaningful opinion could be formed (*specify*).

see separate sheet

☒ no international search report has been established for the said claims Nos. 1-36

☐ a meaningful opinion could not be formed without the sequence listing; the applicant did not, within the prescribed time limit:

☐ furnish a sequence listing on paper complying with the standard provided for in Annex C of the Administrative Instructions, and such listing was not available to the International Preliminary Examining Authority in a form and manner acceptable to it.

☐ furnish a sequence listing in electronic form complying with the standard provided for in Annex C of the Administrative Instructions, and such listing was not available to the International Preliminary Examining Authority in a form and manner acceptable to it.

☐ pay the required late furnishing fee for the furnishing of a sequence listing in response to an invitation under Rules 13*ter*.1(a) or (b) and 13*ter*.2.

☐ a meaningful opinion could not be formed without the tables related to the sequence listings; the applicant did not, within the prescribed time limit, furnish such tables in electronic form complying with the technical requirements provided for in Annex C-*bis* of the Administrative Instructions, and such tables were not available to the International Preliminary Examining Authority in a form and manner acceptable to it.

☐ the tables related to the nucleotide and/or amino acid sequence listing, if in electronic form only, do not comply with the technical requirements provided for in Annex C-*bis* of the Administrative Instructions.

☐ See separate sheet for further details

**INTERNATIONAL PRELIMINARY REPORT
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International application No.
PCT/GB2005/001433

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	37-48
	No: Claims	
Inventive step (IS)	Yes: Claims	37-48
	No: Claims	
Industrial applicability (IA)	Yes: Claims	37-48
	No: Claims	

2. Citations and explanations (Rule 70.7):

see separate sheet

Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

see separate sheet

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

see separate sheet

Reference is made to the following document:

D1: FR-A-2 438 203 (SOCIETE NATIONALE DES POUDRES ET EXPLOSIFS ET AL.)
30 April 1980 (1980-04-30)

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Re Item III

The first paragraph of page 2 of the description discloses advantages of the invention and not technical features to allow broadening originally filed independent claim 1. These advantages are only based on the solution of originally filed claim 12 and not, as it is formulated in general terms in present independent claim 1 as "one of two interchangeable top portions", on a more general solution. Therefore the requirements of article 19(2) PCT are not met.

The same applies to independent claim 19.

Therefor no opinion has been established for the claims 1 and 19. Since the claims 2-18 and 20-36 are claims dependent upon independent claims 1 and 19 respectively, no opinion has been established for these dependent claims.

The claims 49-51 are unclear, see Rule 6.2(a) PCT, cf. observations under section "Re Item VIII" below.

Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. The document D1 is regarded as being the closest prior art to the subject-matter of claim 37, and shows, see p.4, l.14-p.5, l14; fig.1,2 (the references in parentheses applying to this document):
A suspension system for a vehicle seat comprising:
a top portion (10);
a first part having a base portion (1), means (4,11) to receive the top portion and means to allow movement of the base portion and top portion towards and away from each other;

a second part comprising a spring (26) element adapted in use to control movement of the base portion and top portion towards and away from each other; wherein the top portion (10) and the second part are releasably connected (27) to the first part.

wherein the top portion (10) and the base portion (1) are each provided with an upper surface and a lower surface;

wherein the top portion (10) and the base portion (1) are secured to each other by the provision of at least one pair of pivotally connected arms (4,11);

wherein: a first arm (4) in each pair has one end (3) pivotally secured to the base portion (1) and a second arm (11) in each pair has one end (15) releasably pivotally secured to a portion (13) of the top portion (10);

the free end of each second arm (11) is provided with means to allow it to move relative to an upper surface of the base portion (1); and

the free end of each first arm (4) is provided with means to allow it to move (27) relative to the top portion (10);

wherein the top portion (10) is generally rectangular having a pair of opposing short sides, and a pair of opposing long sides;

The subject-matter of claim 37 differs from this known suspension system in that:

(a) the free end of each first arm is provided with means to allow it to move relative to a lower surface of the top portion;

the means to receive the free end of the or each first arm comprises one or more channels in which the free end of the or each first arm is received and the or each channel is suitably sized to allow movement of the free end of the or each first arm over a lower surface of the top portion within the or each channel as the top part and base part move towards and away from each other.

The subject-matter of claim 37 is therefore new (Article 33(2) PCT).

2. The features (a) are not known from any of the cited prior art documents and provide a suspension system for a vehicle seat allowing for easily interchangeable top portions.

In view of this, the subject-matter of claim 37 is not only new but it also involves an

inventive step (Article 33(3) PCT)

3. Claims 38-48 are dependent on claim 37 and as such also meet the requirements of the PCT with respect to novelty and inventive step.

Re Item VII

Certain defects in the international application

1. Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in the document D1 is not mentioned in the description, nor is this document identified therein.
2. Independent claim 37 is not in the two-part form in accordance with Rule 6.3(b) PCT, which in the present case would be appropriate, with those features known in combination from the prior art (document D1) being placed in the preamble (Rule 6.3(b)(I) PCT) and with the remaining features being included in the characterising part (Rule 6.3(b)(ii) PCT).
3. The features of the claims are not provided with reference signs placed in parentheses (Rule 6.2(b) PCT).

Re Item VIII

Certain observations on the international application

Independent claims 49, 50 and 51 do not meet the requirements of Article 6 PCT and of Rule 6.2(a) PCT in that the matter for which protection is sought is not clearly defined. The following functional statements do not enable the skilled person to determine which technical features are necessary to perform the stated functions: suspension for a vehicle seat.